IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 20881 of 1994

Between:

C.R.Sridhar, S/o. Ramachandra Raju, Ex-TTD Service,R/o. Tirupathi.

..... PETITIONER

AND

The Executive Officer,
Tirumla Tirupathi Devasthanams, Tirupathi.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent in discontinuing the petitioner from service without following the principle of 'First come Last go' as arbitrary, discriminatory and violative of Art.14& 16 of the Constitution of India and consequently direct the Respondent to appoint him in TTD Services as Assistant Technician Grande-I in terms of G.O.Ms.No.391 Rev. (Endts.III) Department, dt.06.05.1991 and pay him regular scale of pay with effect from 01-08-1991 and with all consequential benefits.

Counsel for the Petitioner: MR. V. JAGAPATHI

Counsel for the Respondent: MR. A. K. JAYA PRAKASH RAO

The Court made the following:

ORDER:

The petitioner states that he has been appointed in Tirumala Tirupathi Devasthanam services on 01-08-1987 to work in Radio and Broadcasting Section to attend P.A. systems, installations at various places in T.T.Ds, and at the time of appointment he possessed the required qualifications. It is further stated that the respondent has utilized his services as paid Volunteer in Radio and Broadcasting on daily wages and continued his services till 31-03-1988. The respondent, however, issued circular in Roc.No.TL3/34446/94 dated 07-09-1994 inviting applications, by direct recruitment, to fill up seven vacancies of Assistant Technician Grade-I. It is his grievance that he is qualified to be absorbed into the said post. This writ petition is filed challenging the action of the respondent in terminating the petitioner from service, while continuing the juniors of the petitioner and not considering his case for absorption in TTD services in the existing vacancies.

2. This Court considering the circumstances of the case, by its order dated 09-02-1995 in W.P.M.P.No.25862 of 1994, directed the petitioner to make a representation to the respondent giving all the details of his service particulars as well as the service particulars of his juniors, who are appointed by the respondent allegedly ignoring the preferential claim of the petitioner, and on receipt of the representation from the petitioner, the respondent shall consider the same for appointment of the petitioner as Assistant Technician Grade-I in terms of G.O.Ms.No.391 Revenue (Endowments – III) Department, dated 06-05-1991 and pass appropriate orders in accordance with Rules applicable thereto.

3. The respondent now contends that the petitioner worked only for a short period and that he was not on TTD rolls as on 01-08-1991 and, therefore, his claim for any

appointment in TTD does not arise and that pursuant to the directions of this Court dated 09-02-1995 in W.P.M.P.No.25862 of 1994 in W.P.No.20881 of 1994, the claim of the petitioner was considered and by Proceedings B7/48269/94 dated 26-06-1995, his case was negatived.

4. Considering the above circumstances, since the claim of the petitioner was considered and rejected by the respondent by its order dated 26-06-1995, no further orders are necessary to be passed in this writ petition. Learned Counsel for the petitioner however contended the fact that the petitioner has been appointed on 01-08-1987 and worked for more than 240 days is not in dispute. Therefore, his case needs to be considered in future vacancies. The fact that the petitioner has worked for more than 240 days is not disputed in the counter affidavit.

6. Having regard to the submission made by the learned Counsel for the petitioner, and in the facts and circumstances of the case, the petitioner is directed to make a representation citing all the relevant facts to the respondent authority within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the respondent authority may consider the representation of the petitioner, for appointing him in future vacancies as per rules.

7. With the above said direction, the writ petition is disposed of. No costs.

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GHULAM MOHAMMED, J

Dt.30-09-2004

Glv/kk

ASSISTANT REGISTRR

//TRUE COPY//

SECTION OFFICER

Copies to:

1. The Executive Officer,
Tirumla Tirupathi Devasthanams, Tirupathi.

2. Two C D copies.